UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,718	01/26/1999	RICK W. LANDSMAN	UNICAST-1CIP	7166

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EXAMINER
CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
04/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/237,718	LANDSMAN ET AL.
	Examiner	Art Unit
	Jeffrey D. Carlson	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *See Continuation Sheet* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

 Continuation of Disposition of Claims: Claims pending in the application are 3-7,9,10,12-18,20-22,24,25,27-33,35,37-41,43,44,46-52,54-56,58,59,61-67,69,71-75,77,78,80-86,88-90,92,93,95-102 and 104-108.

Continuation of Disposition of Claims: Claims rejected are 3-7,9,10,12-18,20-22,24,25,27-33,35,37-41,43,44,46-52,54-56,58,59,61-67,69,71-75,77,78,80-86,88-90,92,93,95-102 and 104-108.

DETAILED ACTION

This action is responsive to the paper(s) filed 11/28/2005.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 3-7, 9-10, 12-18, 20-22, 24-25, 27-33, 35, 37-41, 43-44, 46-52, 54-56,**

58-59, 61-67, 69, 71-75, 77-78, 80-86, 88-90, 92-93, 95-102, 104-108 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Slotznick ('537) (US6011537) in

view of Barkat (WO97/07656).

3.   Slotznick ('537) provides apparatus and methods for displaying ads interstitially

as the user browses the world wide web. The user requests a first web page (primary

information) which is downloaded and displayed to the user. After this has downloaded,

rather than be in an idle state, the user's browser downloads secondary information

(advertising files). This advertising information is then displayed to the user upon his

request for another web page (subsequent primary information). The locally-stored

advertising information can quickly be displayed in the otherwise-wasted time period

necessary to retrieve the subsequent web page [abstract, 11:12-25, 11:53-64, 12:58-

13:03, 24:10-19, 24:35-37, 37:34-42]. The first web page includes HTML instructions

representing the visible page content as well as embedded code that instructs the

browser to download an agent from a specified server. In particular regarding the

agent, Slotznick ('537) teaches that the necessary software to accomplish the

advertising functions can be a downloaded java applet [14:47-54] or JavaScript [36:32-

67] and that such software can be in the form of code transmitted with the requested

web page (primary information) [33:34-37, 34:27-29]. This is taken as a teaching that

the first web page includes the necessary java <applet> tags and this reads on the

embedded code which when executed downloads the applet (agent) which processes

the advertising files. Slotznick ('537) teaches that the server identified as the

advertising source (secondary information source) can select particular advertising for

particular users [16:9-28] which indicates that neither the code nor the web page

specifies the advertising details, but rather merely specifies the server responsible for

selecting appropriate advertising. This provides the same decoupling of advertising

content from the first web page as applicant provides. While simply providing interstitial

advertisements is taken to be overriding default/normal web browser methods (web

browsing is not taken to include such ads normally or by default), Slotznick ('537) also

teaches that the implementation for such interstitial methods depends on the

capabilities of the browser, the ability to selectively suppress automatic browser

capabilities, and the amount and sophistication of code which is used to manipulate the

secondary information [37:34-39, 52-57]. Slotznick ('537) further discusses the desire

for persistence across different web sites and pages as well as the need to extend the

default methods of the browser using ActiveX, a browser plug-in or another layer of

software which can interact with the browser and the computer's operating system for
the enhanced functionality [31:29-58]. This is taken to read on applicant's overriding
substitute methods for persistence across different web pages and sites. Barkat also
teaches a system and methods whereby advertisements are downloaded to user PCs
during idle/low communication periods. The ads can then be displayed to the user.
Barkat teaches the sending of a resource list which is a manifest of required files (ad
content files, player files, configuration information) for each particular ad [fig 5, pg 19
lines 37+, pg 11 lines 8-24, pg 17 lines 24-40]. The system determines which
components in the manifest are not already present in the local PC and downloads the
missing items [pg 20 lines 2-9] from a server. Slotznick ('537) teaches that web page
content may come from a first server while advertising content may come from a second
server. It would have been obvious to one of ordinary skill at the time of the invention to
have downloaded from any server (including one different from the web content and/or
ad content itself) to the user's machine a manifest listing of the required advertising files
so that the advertising agent can properly locate the collection of required files for
rendering of the advertisements. Any of the plural resources in the manifest can be
taken to meet the broad "associated configuration information" necessary to render the
ad; such configuration information can also be met by the code for the sound or video
players used to render the ad [pg 17 lines 28-31].

4.   The advertising is web advertising, the files are taken to be advertising files and
the manifest can be fairly described as an ad descriptor file. The storage where the
advertising files are downloaded by the client is browser cache as they are downloaded

by code executed by the browser. Slotznick ('537) teaches a particular order for the advertising (secondary information) [16:60-61, 23:61-64, 25:51-57, 30:25-30] which is taken to define a queue. Playing a second ad after a first ad is taken to provide the step of removing the first ad from the queue in order to play the second ad. Slotznick ('537) teaches that different servers can be specified for the advertising files [31:60-65]. Slotznick ('537) also teaches that downloading of unfinished secondary information can be resumed at the next wait time [17:21-25]. Slotznick ('537) teaches that the interstitial event can be triggered by a click event [fig 16 – 602]. Slotznick's ('537) server selection of advertising content based upon user activity history [16:10-20] is taken to be based upon a user profile previously collected.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/   Jeffrey D. Carlson
Primary Examiner, Art Unit 3622   Primary Examiner
                                                        Art Unit 3622

jdc